

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

December 3, 2013

Work Session 4:00 p.m. Policy Session 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. Councilmember Painter was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director; Dave Norman, Assistant Public Works Director; Kent Partridge, Building Official; Linda Peterson, Public Information Director; Eric McDowell, Sheriff's Deputy.

Mayor Jackson called the meeting to order at 4:08 p.m.

1. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

12A & B. Clearview Ranch Final Plats

Councilmember Ireland noted that, during the Planning Commission vote, one Commissioner voted no. He asked why. Planning Director Steve Mumford explained that Commissioner Everett voted no without stating why. After a lengthy discussion, the other Commissioners felt that the issue should be reviewed by the Council. Staff recommended that if the item is approved, it should be contingent on the water issue being resolved. Councilmember Burnham stated that she would request that the item be removed from the Consent Agenda and moved to Scheduled Items.

Assistant Public Works Director explained that the land annexed to the north end of the City has water pressure issues. There is a large number of lots already vested in the area. The water tank draws water from that area and is near capacity. Public Works has developed some solutions, but most of them are not yet in the Capital Facilities Plan and will require significant funding.

Councilmember Ireland asked how the water purchased from the Central Water Project will affect the situation. Mr. Norman said that the water will be pumped up to the water tank at Unity Pass. It won't change the dynamics of the current system. It will only correct the existing deficiency.

Mayor Jackson invited Steve Sowby, the engineer for Clearview Ranches, to speak. He felt that the developers should not be penalized for a water pressure problem that existed before the project. He requested approval subject to the problem being solved so that the developers can begin selling lots.

Councilmember Burnham asked if the City believes it has solved the current problem, but not that the future problem has been solved, who should pay for the solution. Mr. Sowby responded that the development agreement states that the developer will participate in the solution to an offsite problem that affects the development.

1 Councilmember Ochsenhirt asked what the developer planned to accomplish between the approval  
2 and the solution. Mr. Sowby said that they can get construction bids, prepare bonds, prepare final  
3 plats and do some grading. He noted that 16 homes already exist in the problem area.  
4

5 Councilmember Ochsenhirt mentioned that he is not confident in building a septic system for each  
6 lot. If that doesn't turn out to be workable, he didn't want people asking the City to solve the  
7 problem. Mr. Sowby stated that the property has been approved for septic systems by Utah  
8 County. When a homeowner builds a home, the system on the individual lot also has to get  
9 approval.  
10

11 Mayor Jackson requested that all of the streets have names, rather than numbers, to be consistent  
12 with the rest of the City.  
13

14 Councilmember Steinkopf noted that no specific landscaping or park amenities are listed in the  
15 development agreement. Mr. Mumford said that can be specified in the agreement.  
16

#### 17 14. Development Code Amendments

18 Mayor Jackson reported that a developer contacted her with concerns about the proposed  
19 amendments. He requested that the item be tabled until discussions can be held with developers.  
20

21 Mr. Mumford said the current section of the City Code was based on one written by another city.  
22 He and Adam Ferre determined that, in order to Blue Stake property correctly, gas and electrical  
23 lines need to be energized first.  
24

25 Scott Hazard, another developer, asked that the City consider tabling the item until discussions  
26 could be held with developers. He was concerned that model homes would be backlogged and  
27 slow down sales.  
28

29 Councilmember Ochsenhirt asked Energy Director Adam Ferre if he had any concerns about  
30 tabling the item. He said he didn't, as the issue was a little more complicated than he realized  
31 earlier.  
32

#### 33 15. Budget Amendments

34 Finance Director Paul Jerome presented budget amendments to the General Fund, Enterprise  
35 Funds and Capital Project Fund. The State prefers that amendments be done quarterly, rather than  
36 at the end of the fiscal year. The General Fund amendments will pay for additional hours for a  
37 school resource officer, funded by Alpine School District, and the hiring of a Planner and a  
38 Building Inspector, funded by building permit and plan check fees. Building Official Kent  
39 Partridge stated that building permits take nearly three weeks to be approved, when they should  
40 take two weeks or less. Even at that, employees are working constantly, rarely taking time off  
41 because of the heavy workload. Mr. Walker pointed out that these positions previously existed,  
42 but were eliminated during the housing slowdown.  
43

44 Mr. Jerome said the Enterprise Fund amendment is a professional and technical purchase order  
45 allocated for the Water Department during a previous fiscal year, but not used during that year.  
46 The same will be done with a purchase order for a 6" natural gas line. The Capital Projects Fund  
47 will be amended to fund a pedestrian trail near the skate park and the widening of Pony Express  
48 Parkway near Hidden Hollow Elementary School.  
49

#### 50 16. Fund Transfer Resolution

1 State law requires that cities retain between 5% and 25% of anticipated revenues in the General  
2 Fund. Any excess must be transferred to the General Fund Capital Projects Fund to be used for  
3 projects directly benefitting the residents. Mr. Jerome estimated that the excess from fiscal year  
4 2013 will be approximately \$100,000.

5  
6 Councilmember Ireland asked why the resolution is being proposed before Mr. Jerome knows the  
7 exact amount to be transferred. Mr. Jerome responded that, while the City has complied with the  
8 law, it has never passed a resolution, which is also required.  
9

- 10 2. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City  
11 Administrator to provide information to the City Council. These items are for information and do  
12 not require action by the City Council.

13 A. Fitch Bond Rating

14 Finance Director Paul Jerome announced that Fitch Rating just completed its annual  
15 analysis of the City's water and sewer bonds and continued its rating of AA-. Fitch  
16 noted that the City hasn't passed a resolution stating that it will maintain a fund  
17 balance adequate to meet the requirements of bond covenants. Mr. Jerome stated that  
18 the balance is always maintained at that level, and early next year the resolution will  
19 be passed.  
20

21 B. Rachel LeCheminant, Administrative Law Judge

22 Assistant City Administrator Jason Walker introduced the new Administrative Law  
23 Judge, Rachel LeCheminant. She has lived in Eagle Mountain for seven years and is a  
24 member of the Utah State Bar. She will conduct administrative hearings for  
25 enforcement of City Code.  
26

- 27 3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a  
28 Closed Executive Session for the purpose of discussing reasonably imminent litigation and the  
29 purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code,  
30 Annotated.  
31

32 **MOTION:** *Councilmember Burnham moved to adjourn into a Closed Executive Session for*  
33 *the purpose of discussing reasonably imminent litigation and the purchase, lease or*  
34 *exchange of real property, pursuant to Section 52-4-205(1) of the Utah Code,*  
35 *Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye:*  
36 *Donna Burnham, Ryan Ireland, Nathan Ochsenhirt and Richard Steinkopf. The*  
37 *motion passed with a unanimous vote.*  
38

39 **POLICY SESSION – CITY COUNCIL CHAMBERS**  
40

41 ELECTED OFFICIALS PRESENT: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter  
42 and Richard Steinkopf.  
43

44 CITY STAFF PRESENT: Ifo Pili, City Administrator; Jason Walker, Assistant City Administrator;  
45 Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City  
46 Recorder; Paul Jerome, Finance Director; Rand Andrus, Fire Chief; Steve Mumford, Planning Director;  
47 Dave Norman, Assistant Public Works Director; Kent Partridge, Building Official; Linda Peterson,  
48 Public Information Director; Eric McDowell, Sheriff's Deputy.  
49

- 50 4. CALL TO ORDER

Mayor Jackson called the meeting to order at 7:03 p.m.

5. PLEDGE OF ALLEGIANCE

John Painter led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **City Offices Closed** – The City offices will be closed on Thursday, December 5 from 1:00 p.m. to 4:00 p.m. for a staff meeting. The library will be closed from 12:00 p.m. to 4:00 p.m. The offices and library will also be closed Monday, December 23 through Wednesday, December 25 for the Christmas holiday and Wednesday, January 1 for the New Year's holiday.
- **Deck the Halls Tree Lighting** – On Friday, December 6 from 6:30 p.m. to 8:30 p.m. the annual tree lighting ceremony event will be held at City Hall. Come enjoy a night filled with Christmas carols, gingerbread houses and an essay contest. Bring your camera to take a picture with our special guest...SANTA!
- **Santa on the Fire Truck** – Santa is making his annual trip around the city on the fire truck on Saturday, December 7 from 8 a.m. to approximately 1 p.m. Watch and listen for him for to arrive in your area for him to toss you a special treat!

The fire truck will not be attempting to go down dead-end streets, and may not be able to drive down every street in the city due to time restrictions. Listen for sirens and watch in your neighborhood for the fire truck. Proceed safely to the area where the fire truck is. Please have your children stay on the sidewalk and wait for Santa to throw the candy. Please do not allow them to run into the street.

- **Christmas Events** – For information on other local Christmas events, please visit the City website, events page.
- **Fire Dept. Collection** – The Fire Department is collecting coats, hats, gloves and blankets for those in need. Drop off donations at either fire station until the end of December.

7. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments.

James Crandall from White Hills expressed appreciation for being part of the City. He thanked Mayor Jackson and Councilmember Ochsenhirt for serving the City for the last several years. He mentioned that Mayor Jackson has been White Hills' first mayor. Mayor Jackson mentioned that this is Councilmember Painter's last meeting, too.

Wendy Watson sent each Councilmember and the Mayor an email last week, but didn't receive a response. She read her email aloud. A duplex is being built across from her house. It is making it more difficult for her to sell her house. Mr. Mumford explained the changes to the design that made the structure allowable. She felt that the changes were not adequate to justify this home, which does not fit in to the rest of the subdivision.

Mayor Jackson responded that she has asked questions of the Building Department and the City Attorney about the issue. She would like to take statements from nearby residents and see what can be done. Councilmember Ochsenhirt said he was frustrated, as well, because these things shouldn't happen. Mr. Mumford said they signed a second kitchen agreement, which prohibits

more than one family living in the home. City Attorney Jeremy Cook said that Code Enforcement will be watching the building closely.

8. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Burnham

Councilmember Burnham said she and Mayor Jackson have been friends for a long time. She said Mayor Jackson has been the best Mayor the City has ever had. She hasn't known Councilmembers Painter and Ochsenhirt as long, but they are both amazing men. She felt like a better person for having known all three of them.

Councilmember Steinkopf

Councilmember Steinkopf thanked Mayor Jackson and Councilmembers Painter and Ochsenhirt for the work they've done for the City.

Councilmember Painter

Councilmember Painter thanked the residents of Eagle Mountain for the opportunity to serve. He thanked the Mayor and Council for the mentoring he's received. He thanked the staff for being very competent and well-intentioned.

Councilmember Ochsenhirt

Councilmember Ochsenhirt moved to Eagle Mountain ten years ago, when the population was less than half of what it is now. He was grateful for the experiences he's had on City Council which have been overwhelmingly positive. Most of the people who live here are wonderful, kind, encouraging people. He's a better person because of the people he's worked with while serving on the Council. And, as always, he asked everyone not to park on the streets when there's snow and to help their neighbors.

Councilmember Ireland

Councilmember Ireland expressed appreciation to Mayor Jackson and Councilmembers Painter and Ochsenhirt. Although he didn't always agree with them, he knew they had always voted with integrity and honor. Mayor Jackson has been the Mayor for more than a third of the City's history.

Mayor Jackson

Mayor Jackson has spent the last nine years diligently trying to do her best for the City. She's been honored to serve. She's worked to leave the City better than she found it. She said the City staff is the best that can be found anywhere and is the best the City's ever had. All of the Council members have had the City's best interests at heart and have made Eagle Mountain a better community. She hoped the City would continue to grow and blossom. Eagle Mountain has the best residents anywhere, who care about and help each other.

9. APPOINTMENTS

- A. Economic Development Board
  - i. Trent Jackson – 3 year term
- B. Library Board
  - i. Tyler Shimakonis – 2 year term
  - ii. Lesley Jackman – 2 year term
  - iii. Mellissa Ochsenhirt – 3 year term
  - iv. Kim Reid – 3 year term

- v. Daniel Farmer – 3 year term
- C. Parks & Recreation Advisory Board
  - i. Kurt Griffiths – 3 year term
  - ii. Matt Barrett – 3 year term
- D. Planning Commission
  - i. Wendy Komoroski – 3 year term
  - ii. Miriam Allred – 3 year term
- E. Public Works Board
  - i. Allen Martin – 3 year term
- F. Senior Citizen Advisory Council
  - i. Sandra Ring – 4 year term
- G. Yellow Ribbon Committee
  - i. Erika Douglas – 1 year term
- H. Youth Council Advisory Board
  - i. Alicia Hill – 1 year term
  - ii. Robert Hill – 1 year term
- I. Timpanogos Special Service District Board
  - i. David Norman – 4 year term

**MOTION:** *Councilmember Ireland moved to approve the appointments as presented. Councilmember Painter seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to those appointees who were in attendance at the meeting. The others will receive the oath at another time.

## **CONSENT AGENDA**

- 10. MINUTES
  - A. November 19, 2013 – Regular City Council Meeting
- 11. DEVELOPMENT AGREEMENT
  - A. Porter's Crossing Town Center Plat B (Church Lot)
- 12. FINAL PLATS
  - A. Clearview Ranch Phase A Plat 1 Final Plat
  - B. Clearview Ranch Phase A Plat 2 Final Plat
- 13. 2014 CITY COUNCIL MEETING SCHEDULE

**MOTION:** *Councilmember Burnham moved to approve the Consent Agenda with minor changes to the minutes as discussed in Work Session; also removing items 12A and 12B and moving them to Scheduled Items. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

Trevor Hull, representing Porter's Crossing Town Center, thanked the Mayor and Council for their help in developing the project. The developers are planning the grand opening and Mr. Hull invited Mayor Jackson to cut the ribbon. He served on the Herriman Planning Commission and

1 knows how much stress that puts on members and their families. He appreciated Eagle  
2 Mountain's pro-development attitude.

### 3 4 **SCHEDULED ITEMS**

5  
6 Items 12A and B were moved from the Consent Agenda to Scheduled Items.

7  
8 **MOTION:** *Councilmember Ireland moved to table Clearview Ranch Phase A, Plats 1 and 2*  
9 *until such time as the master water plan can be placed on the City Council agenda.*  
10 *Councilmember Burnham seconded the motion.*  
11

12 Councilmember Ochsenhirt asked if the project can be approved with the condition that it can  
13 move forward with aspects not affected by the water issue. Councilmember Ireland felt that the  
14 project should not be approved until the Council has more information.

15  
16 Mayor Jackson asked Public Works Director Chris Trusty when the master water plan will be  
17 complete. Mr. Trusty said it should be substantially complete in January. He pointed out that  
18 without clear information on what the stipulations for development would be, the developer  
19 wouldn't be well served by allowing conditional approval.

20  
21 *Those voting aye: Donna Burnham, Ryan Ireland, John Painter and Richard*  
22 *Steinkopf. Those voting no: Nathan Ochsenhirt. The motion passed with a vote of*  
23 *4:1.*  
24

25 Mr. Mumford asked if the final plats should be placed on an agenda at the same meeting as the  
26 water plan or after the plan is approved. Councilmember Ireland preferred to have the final plats  
27 on the same agenda as the plan, so they can be approved with conditions as soon as the Council  
28 knows what conditions will be appropriate.

29  
30 Mr. Sowby thanked the Council for carefully considering the project. He asked them to remember  
31 that, if Clearview Ranch is penalized for a problem that doesn't even exist yet, they should  
32 consider their actions in regard to the building permits already issued for 16 homes in that area.

### 33 34 **PUBLIC HEARING**

- 35 14. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah,  
36 Amending the Development Code, Chapters 15 and 16.  
37

38 This item was presented by Planning Director Steve Mumford. The proposed amendment includes  
39 changes to Chapter 16.05.100 Compliance Required, Chapter 16.05.130 Most Restrictive  
40 Standards Apply, and Chapter 15.10.230 Building Permits. The amendments require that electrical  
41 and natural gas infrastructure be installed and functioning prior to issuing any building permits,  
42 including permits for model homes.

43  
44 Mayor Jackson said that she will recommend tabling the amendments, based on a discussion she  
45 had today with developer. He expressed some concerns that he felt should be considered before  
46 approval. Energy Director Adam Ferre stated that he would be comfortable with spending some  
47 more time working on the details of the amendments.

48  
49 Planning Director Steve Mumford described the proposed amendments. The City Code requires  
50 that, before issuing building permits--including those for model homes--water, sewer, road

1 substructure and curbing have to be installed. After model home permits are issued, no more  
2 permits can be issued until dry utilities (power, gas and telecommunications lines) are installed and  
3 functioning. Recently, the City had to shut a project down due to dry utilities issues. Unless the  
4 dry utilities are functioning, Blue Stakes can't locate and mark them to prevent contractors from  
5 hitting them. The amendments would require all utilities to be installed and functional before any  
6 building permits are issued, including those for model homes.

7  
8 *Mayor Jackson opened the public hearing at 7:49 p.m. As there were no comments, she closed the*  
9 *hearing.*

10  
11 **MOTION:** *Councilmember Ochsenhirt moved to table an Ordinance of Eagle Mountain City,*  
12 *Utah, amending the Development Code, Chapters 15 and 16. Councilmember*  
13 *Burnham seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland,*  
14 *Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with*  
15 *a unanimous vote.*

16  
17 **PUBLIC HEARING**

18 15. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah,  
19 Amending the Fiscal Year 2013-2014 Budget.

20  
21 This item was presented by Finance Director Paul Jerome. The proposed amendments to the FY  
22 2013-2014 Budget are for personnel, trails and road improvements.

23  
24 The General Fund amendments include funding for a school resource officer. This funding covers  
25 overtime for the existing officer, not hiring of a new one. The expense will be reimbursed by  
26 Alpine School District; however, State budget rules require a budget amendment even if there is no  
27 additional expenditure by the City.

28  
29 Other positions to be funded by General Fund amendments include a Planner 1 and a Building  
30 Inspector. These are positions that were previously part of City employment, but were eliminated  
31 during the poor housing market a couple of years ago. Housing construction has increased in the  
32 past year, as well as commercial construction. These positions will be funded by building permit  
33 and plan check fees. They will allow Planning and Building Department employees to provide  
34 better customer service while reducing their workloads to a reasonable level.

35  
36 A professional and technical expense was approved in the Enterprise Funds during a prior fiscal  
37 year, but because the project is ongoing, the funds are being moved to this fiscal year. The City  
38 will also take out a loan to complete the project.

39  
40 In the Capital Projects Fund, a professional and technical expense was approved for a 6" steel gas  
41 line, and the money also has to be moved to this fiscal year. It will be funded by the Gas and  
42 Electric Revenue Bond. The pedestrian trail at the skate park and the road widening at Hidden  
43 Hollow Elementary School were funded by the General Fund balance.

44  
45 *Mayor Jackson opened the public hearing at 8:00 p.m. As there were no comments, she closed the*  
46 *hearing.*

47  
48 **MOTION:** *Councilmember Ochsenhirt moved to adopt an Ordinance of Eagle Mountain City,*  
49 *Utah, amending the Fiscal Year 2013-2014 budget for personnel additions, a trail*  
50 *project and road improvements. Councilmember Steinkopf seconded the motion.*

*Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

16. RESOLUTION – Consideration and Approval of a Resolution of Eagle Mountain City, Utah Transferring the General Fund Balance in Excess of 25% of Anticipated Revenues to the General Fund Capital Projects Fund.

This item was presented by Finance Director Paul Jerome. State law mandates that a municipality can hold between 5% and 25% of its anticipated revenues in reserve within the General Fund. Any excess funds must either be spent or held within the General Fund Capital Projects Fund for future capital needs of the City.

While the City has always complied with the law, it has not passed a resolution, which is also required by law.

**MOTION:** *Councilmember Painter moved to adopt a Resolution of Eagle Mountain City, Utah, transferring the General Fund balance in excess of 25% of anticipated revenues to the General Fund Capital Projects Fund, retroactive to fiscal year 2013. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The motion passed with a unanimous vote.*

17. AGREEMENT – Consideration and Approval of a Cemetery Purchase Agreement.

The City has been negotiating the purchase of land for a cemetery in the Sage Park area.

*This item was removed from the agenda.*

18. CITY COUNCIL/MAYOR'S BUSINESS – This time is set aside for the City Council's and Mayor's comments on City business.

Councilmember Steinkopf

Councilmember Steinkopf thanked Mayor Jackson, Councilmember Painter and Councilmember Ochsenhirt for their service to the City.

Councilmember Painter

No comment.

Councilmember Ochsenhirt

No comment.

Councilmember Ireland

No comment.

Councilmember Burnham

Councilmember Burnham congratulated Tom Westmoreland on being elected to the City Council. The Council seat was in question at the last meeting because the vote count was so close.

Mayor Jackson

No comment.

1  
2 19. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to  
3 report on the boards they are assigned to as liaisons to the City Council.  
4

5 20. COMMUNICATION ITEMS

- 6 a. Upcoming Agenda Items  
7 b. Financial Report  
8

9 21. ADJOURNMENT  
10

11 **MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 8:05 p.m.*  
12 *Councilmember Painter seconded the motion. Those voting aye: Donna Burnham,*  
13 *Ryan Ireland, Nathan Ochsenhirt, John Painter and Richard Steinkopf. The*  
14 *motion passed with a unanimous vote.*  
15